1	WATERS KRAUS & PAUL	ATES DISTRICT		
2	INGRID M. EVANS (179094)			
2	ievans@waterskraus.com JENNIFER MCINTOSH (264903)	STATE ORDERED E		
3	JENNIFER MCINTOSH (264903) jmcintosh@waterskraus.com 711 Van Ness Avenue, Suite 220 San Francisco, CA 94102			
4	San Francisco, CA 94102 Telephone: (415/206, 6060 or			
5	800/226-9880 214/777-0470 (fax)	Judge Susan Illston		
6				
7	BONNETT, FAIRBOURN, FRIEDMAN & BALINT ANDREW S. FRIEDMAN (Pro Hac Vice admission) afriedman@bffb.com			
8	afriedman@bffb.com			
9	KIMBERLY C. PAGE (<i>Pro Hac Vice admission</i> kpage@bffb.com)		
10	2901 N. Central Avenue, Suite 1000 Phoenix, AZ 85012			
11	Telephone: 602/274-1100			
12	602/274-1199 (fax)			
13	Attorneys for Plaintiff and the Putative Class			
14	UNITED STATES DISTRICT COURT			
15				
16	NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION			
17	DAPHNE P. RAND, by and through DEBRA J. DOLCH, as Conservator of the Person and	Case No. CV 09 0639 SI		
18	Estate of DAPHNE P. RAND, Conservatee, on Behalf of Themselves and All Others Similarly	<u>CLASS ACTION</u>		
19	Situated.	AMENDED STIPULATION AND [PROPOSED] ORDER CONTINUING		
20	Plaintiff,	BRIEFING SCHEDULE		
21	VS.	Judge Susan Illston		
22	AMERICAN NATIONAL INSURANCE COMPANY, a Texas corporation.	Action Filed: 02/12/09		
23	Defendant.			
24				
25	This stipulation is made between Plaintiff DEBRA J. DOLCH, as Special Administrator of			
26	the Estate of DAPHNE P. RAND ("Plaintiff") and Defendant American National Insurance			
27	Company ("ANICO" or "Defendant"), by and through their respective counsel of records, based			
28	on the following:			
		1		

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WHEREAS, on August 19, 2010 (dkt. 130), the court moved Defendant's Motion for Partial Summary Judgment, previously set for September 3, 2010, to September 10, 2010 at 9:00 a.m. in Courtroom 10.

WHEREAS, Plaintiff agrees she will not amend the complaint or add parties between now and the time ANICO responds to her Motion for Class Certification, but reserves the right to so amend and/or intervene with a new or additional plaintiff based upon any challenges or objections by Defendant. Defendant reserves its rights to any and all defenses to such amendment or interventions, if any.

WHEREAS, the current schedule requires plaintiffs to submit their class certification motion and expert disclosures on September 21, 2010 and one of plaintiff's counsel, Ingrid Evans, will be out of the country during that time period. Additionally, plaintiff's counsel Andrew Friedman is set for trial on September 13, 2010, and is unavailable during that time.

Additionally, the parties are still conducting discovery: Defendant has not yet completed document production; and depositions of additional witnesses will be scheduled after the final document production. The parties believe that the current scheduling order on class certification should be modified to allow for completion of discovery, resolution of any discovery disputes and any other matters, as follows:

	Current Dates	Proposed Dates
Plaintiff's Motion for Class Certification and Designation of Class Cert Experts	September 21, 2010	November 4, 2010
Defendant's Opposition to Motion for Class Certification and Expert Disclosures	November 9, 2010	January 6, 2 010
Plaintiff's Reply in Support of Motion for Class Certification	November 30, 2010	2011 January 20, 2 010
Hearing on Motion for Class Certification	December 20, 2010	Feb. 4, 2011 <u>January 31, 2010</u>

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be continued as set forth above, subject to approval by the Court. DATED: September 7, 2010 WATERS, KRAUS & PAUL By:/s/				
be continued as set forth above, subject to approval by the Court. DATED: September 7, 2010 WATERS, KRAUS & PAUL	1	THEREFORE, it is hereby stipulated between the undersigned parties, through their		
be continued as set forth above, subject to approval by the Court. DATED: September 7, 2010 WATERS, KRAUS & PAUL	2	counsel of record, that the briefing schedule for Plaintiff's Motion Class Certification briefing may		
DATED: September 7, 2010 WATERS, KRAUS & PAUL By:	3			
By:	4			
By: /s/ INGRID M. EVANS Attorneys for Plaintiff DEBRA J. DOLCH, as Special Administrator of the Estate of DAPHNE P. RAND DATED: September 7, 2010 GREER, HERZ & ADAMS, LLP By: /s/ JOSEPH R. RUSSO Attorneys for Defendant AMERICAN NATIONAL INSURANCE COMPANY ATTESTATION OF SIGNATURE Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury the concurrence in the filing of the document has been obtained from all signatories. DATED: September 7, 2010 WATERS, KRAUS & PAUL By: /s/ INGRID M. EVANS 3 3	5	DATED: September 7, 2010	WATERS, KRAUS & PAUL	
INGRID M. EVANS Attorneys for Plaintiff DEBRA J. DOLCH, as Special Administrator of the Estate of DAPHNE P. RAND DATED: September 7, 2010 GREER, HERZ & ADAMS, LLP By: /s/ JOSEPH R. RUSSO Attorneys for Defendant AMERICAN NATIONAL INSURANCE COMPANY ATTESTATION OF SIGNATURE Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury the concurrence in the filing of the document has been obtained from all signatories. DATED: September 7, 2010 WATERS, KRAUS & PAUL By: /s/ INGRID M. EVANS INGRID M. EVANS	6		Dru /a/	
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14 INSURANCE COMPANY 15 ATTESTATION OF SIGNATURE Pursuant to General Order No. 45, § X(b), I hereby attest under penalty of perjury the concurrence in the filing of the document has been obtained from all signatories. 18 DATED: September 7, 2010 WATERS, KRAUS & PAUL 20 By: /s/ INGRID M. EVANS 21 22 23 24 25 26 27 28 3 3			JOSEPH R. RUSSO	
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21 By: /s/ INGRID M. EVANS 22 23 24 25 26 27 28		DATED: September 7, 2010	WATERS, KRAUS & PAUL	
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1	IT IS SO ORDERED.
2	DATED:
3	DATED:
4	The Honorable Susan Illston District Court Judge
5	District Court Judge
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	AMENDED STIPULATION AND PROPOSED ORDER CONTINUING BRIEFING SCHEDULE